

1 R. Lewis Van Blois, sbn 38912
Thomas C. Knowles, sbn 40899
2 Darren J. Van Blois, sbn 232583
Law Office of VAN BLOIS & ASSOCIATES
3 Airport Corporate Centre
7677 Oakport Street, Suite 565
4 Oakland, CA 94621
Telephone: (510) 635-1284
5 Facsimile: (510) 635-1516

6 Attorneys for Plaintiffs

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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

11
12 SHELLEY R. ROBINSON; and
ELIZAVETA M. HUNSINGER, by and
13 through her Conservator IVAN J.
HUNSINGER

14 Plaintiffs,

15 v.

16 DAIMLERCHRYSLER AG;
17 DAIMLERCHRYSLER MOTORS
COMPANY LLC; DAIMLERCHRYSLER
18 CORPORATION; and DOES ONE through
FIFTY, inclusive,

19 Defendants.
20 _____/

Case No. C 07-03258 SC

DECLARATION OF DARREN VAN BLOIS
IN OPPOSITION TO MOTION FOR
ADMINISTRATIVE RELIEF REGARDING
EXPERT WITNESS DISCLOSURES AND
DISCOVERY

[Civil Local Rule 7-11]

21 I, Darren J. Van Blois, hereby declare:

22 I am an attorney, licensed to practice in the State of California, and licensed to practice
23 before the Federal District Court for the Northern District of California, in the law firm Van
24 Blois & Associates, which represents Plaintiffs in this action. I make the following statements
25 based on my own personal knowledge.
26

Declaration of Darren Van Blois

1 1. I met and conferred with counsel for Chrysler regarding the scheduling of expert
2 discovery before the initial status conference from approximately September, 2007 to January,
3 2008. During this time, I specifically discussed the issue of staggered disclosure and
4 simultaneous disclosure with three separate attorneys from Sedgwick. The issue was identified
5 in the Joint Case Management Conference Statement, but was not raised at the hearing.

6 2. On March 26, 2008, I met and conferred with two attorneys from Sedgwick wherein
7 they proposed to modify the expert disclosure dates. I agreed that I would move the disclosure
8 date from the default date of October 14, 2008 to September 12, 2008. Contrary to what is stated
9 in Chrysler's moving papers, I did not agree that "the Court should order an expert disclosure and
10 discovery schedule". The gist of what I said was that the parties should try to reach an
11 agreement, and that I would agree to move the disclosure date to September 12, 2008.

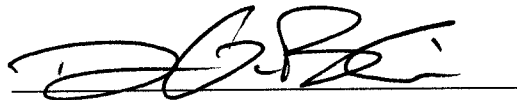
12 3. I have relied on the Court's Status Conference Order for the litigation planning in
13 this case. Specifically, I have relied on the discovery cut-off date of November 12, 2008, and I
14 have relied on an expert disclosure date that is reasonably close to October 14, 2008, which is 90
15 days before trial per the default rule in federal court. I anticipated that the parties would agree to
16 an expert disclosure date that is near September 12, 2008, so the parties would have
17 approximately 60 days to complete expert discovery. I did not foresee that Chrysler would request
18 to move it up all the way to July 3, 2008. This should have been requested at the January 25,
19 2008 Status Conference, and not three months before Chrysler's requested date.

20 4. The request to move the non-expert discovery cut-off date to a sooner date was a
21 total surprise to me when I received the motion. I don't recall the non-expert discovery cut-off
22 date being an issue in the March 26, 2008 telephonic meet and confer. I recall we mentioned that
23 the non-expert discovery cut-off date was November 12, 2008 pursuant to the Court's Order, and
24 I remember defense counsel expressing some dissatisfaction with that ruling, but I don't recall
25 that the non-expert discovery cut-off date was an issue. The March 26 letter from defense
26

1 counsel, memorializing the conversation, does not mention or even suggest that the cut-off date
2 for non-expert discovery was an issue.

3 5. A July 3, 2008 cut-off date for non-expert discovery and disclosure date for expert
4 reports is only three months away. This is not a sufficient amount of time to do the work that is
5 necessary in discovery. I have litigated numerous products liability cases, and several
6 specifically against auto manufacturers, and my experience is that there is resistance to discovery
7 requests and deposition notices of party witnesses that significantly delays discovery. I usually
8 have to resort to law and motion work to obtain needed discovery, which causes more delay.
9 Three months is not an adequate amount of time to complete discovery. Chrysler has not even
10 completed its initial disclosures because we are still waiting for the agreed upon protective order
11 to be entered by the Court.

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13 I declare under penalty of perjury under the laws of the State of California and the laws of
14 the United States that the forgoing is true and correct. Executed on April 4, 2008 in Oakland,
15 California.

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19 By: Darren J. Van Blois